



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 35] नई दिल्ली, सोमवार, मई 11, 1992/वैशाख 21, 1914
No. 35] NEW DELHI, MONDAY, MAY 11, 1992/VAISAKHA 21, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 11th May, 1992:—

BILL No. 93 OF 1992

A Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959

BE it enacted by Parliament in the Forty-third Year of the Republic of India
as follows:—

1. This Act may be called the Parliament (Prevention of Disqualification)
Amendment Act, 1992.

Short
title.

10 of 1959.

2. In section 3 of the Parliament (Prevention of Disqualification) Act, 1959
(hereinafter referred to as the principal Act), in clause (i), for the words,
brackets and figures, "and (ii) the office of chairman or secretary of any
statutory or non-statutory body specified in Part II of the Schedule;" the fol-
lowing shall be substituted, namely:—

Amend-
ment of
section
3.

"(ii) the office of chairman or secretary of any statutory or non-
statutory body specified in Part-II of the Schedule and (iii) the office of
deputy chairman of the non-statutory body specified in Part III of the
Schedule;"

3. In the Schedule to the principal Act, after Part II, the following Part
shall be added, namely:—

Amend-
ment of
the
Schedule.

"PART III

BODY UNDER THE CENTRAL GOVERNMENT
Planning Commission".

STATEMENT OF OBJECTS AND REASONS

The Joint Committee on Offices of Profit (Tenth Lok Sabha) in their Second Report examined the composition, character, functions, etc., of four Commissions constituted by the Government of India and the emoluments and allowances payable to their chairpersons, vice-chairpersons, members, etc., with a view to consider whether the holders of offices of these Commissions would incur disqualification under article 102 of the Constitution. The Committee, has recommended the amendment of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, to prevent, *inter alia*, the holder of the office of deputy chairman, Planning Commission from incurring disqualification for being chosen, or for being, a member of Parliament. Further, the Election Commission of India in Reference case No. 1 of 1990 between Shri A. K. Subhaiah and Shri Ramakrishna Hegde has held that the office of deputy chairman, Planning Commission is capable of "profit" being derived as a definite salary is attached to that office and the fact that the incumbent did not draw any salary, did not materially alter the status of that office being an "office of profit".

2. In view of the above, it is proposed to amend the Parliament (Prevention of Disqualification) Act, 1959 so as to prevent the holder of the office of deputy chairman, Planning Commission from incurring disqualification for being chosen, as for being a member of Parliament.

3. The Bill seeks to achieve the above object.

NEW DELHI;

The 6th May, 1992.

K. VIJAYA BHASKARA REDDY.

C. K. JAIN,
Secretary-General.